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October 10, 2022

Honorable John R. Tunheim
U.S. District Court Judge
U.S. District Court for the D. Minnesota
Diana E. Murphy United States Courthouse
300 South Fourth Street, Courtroom 14-E
Minneapolis, Minneapolis 55415

Honorable John F. Docherty
United States Magistrate Judge
U.S. District Court for the D. Minnesota
Warren E. Burger Federal Building
316 N. Robert Street, Courtroom 6A
St. Paul, Minneapolis 55101

Re: ***In re Pork Antitrust Litigation*, Master Case No. 18-1776, MDL 2998**
This Document Relates to All Actions

***In re Cattle and Beef Antitrust Litigation*, Master Case No. 22-md-3031**
This Document Relates to All Actions

Dear Judge Tunheim and Judge Docherty:

We write on behalf of all but one¹ of the many Direct Action Plaintiffs in the *Beef* and *Pork* Antitrust MDL Cases. For reasons explained below, we respectfully request that if not inconvenient for the Court, it reset the *Beef* and *Pork* Conferences to occur in Minneapolis at different times on October 18th. Before filing this letter, we conferred with counsel for the Class Plaintiffs and Defendants in *Pork* and *Beef*.

The Court has scheduled a Case Management Conference in *Beef* on Friday, October 14th at 10:00 a.m. CT and a Case Management Conference in *Pork* on Monday, October 17th at 10:00 a.m. CT. Both Conferences are scheduled to occur at the Diana E. Murphy U.S. Courthouse in Minneapolis.

¹ The direct action plaintiffs represented by Boies Schiller Flexner LLP do not join in this letter.

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Under the circumstances, DAPs respectfully request that if the Court's schedule allows, it reset the separate Conferences in *Beef* and *Pork* to occur at different times on October 18th. We think there can be efficiencies for the Court in doing this. And, in this way, the many lawyers from out of town attending the Conferences in both cases (this includes not just DAP lawyers but Defendants and Class lawyers, all of whom have at least some out-of-town counsel) can participate in both Conferences on one business trip.

DAPs realize that during the course of proceedings in *Beef* and *Pork*, there will be many instances in which travel to Minneapolis will be necessary at different times in both cases, and surely all counsel in these cases know and have signed up for this. However, in *this* instance, knowing that Your Honors intend to convene separate Conferences in both cases in the same Courthouse on consecutive business days punctuated by a weekend, DAPs respectfully suggest that moving both Conferences to October 18th at different times that day will be efficient for the Court and the parties' counsel and avoid the need for travel to/from Minneapolis for a Friday morning Conference and then again for a Monday morning Conference.

We understand that Defendants in *Beef* requested that the Court reset the conference in that case at the next available opening for Your Honors. Defendants in *Beef* have since told us that October 18th will work for them for the Conference. The Class Plaintiffs in *Beef* do not want to change the Conference dates, but if the Court does so, then they request that the Court reset the *Beef* Conference on October 18th or 19th provided those dates work for the Court. We understand that the Class Plaintiffs and Puerto Rico in *Pork* request that the October 17th Conference be conducted via Zoom. As of this writing, we do not know the position of the Defendants in *Pork*.

Thank you for considering this request.

Respectfully,



William J. Blechman
Counsel for the Kroger DAPs and
on behalf of DAPs as noted above

WJB:mb

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